

REMARKS

Claims 1-15 are pending in the application. Claims 1-15 stand rejected. Claims 7, 9, 10, and 15 have been amended. No new matter has been added. Claims 1-6 have been cancelled, without prejudice.

Claims 1-4, 6-9, 11-13 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by USPPA No. US 2002/0037053 to Kim. It is the examiner's position that Kim discloses each and every element of the present invention.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Kim discloses a video decoder with a down conversion function for decoding video signals. As referred to by the examiner (see paragraph [0082]), Kim performs "horizontal up sampling by using the motion vector ... [and] vertical up sampling a data from the horizontal up sampling filter by using the motion vector." Kim fails to disclose a system or method that "perform[s] a full-pel motion compensation on every macroblock regardless of the types of motion vectors," as is recited in claim 7.

As Kim fails to disclose all the elements recited in claim 7, Kim can not be said to anticipate the invention recited in independent claim 7. Accordingly, the subject matter recited in claim 7 is patently distinguishable from, and allowable over, the Kim device.

Applicant submits that the examiner's rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection, and allowance of the claim.

With regard to independent claim 12, the examiner rejected this claim reciting the same reason used to reject claim 7. However, claim 12 discloses the element "performing a full-pel motion compensation regardless of the types of motion

vectors," which is recited in claim 7. Accordingly, claim 12 also includes subject matter not disclosed by Kim and, for the same remarks made with regard to claim 7, is patently distinguishable from, and allowable over, the Kim device.

Applicant submits that the examiner's rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection, and allowance of claim 12.

With regard to claims 8, 9, and 11 and 13 and 15, these claims depend from claims 7 and 12, respectively, which have been shown to be patently distinguishable over the cited reference. Accordingly, these claims are also patently distinguishable and allowable over the cited reference by virtue of their dependency upon an allowable base claims.

Claims 5, 10 and 14 stand rejected pursuant to 35 USC §103 as being unpatentable over Kim in view of USPPA 2002/163969 to Zhong. It is the examiner's position that, with regard to claims 5, 10 and 14, Kim teaches a method for decoding an MPEG video signal ... [but] fails to explicitly teach 'rounding the odd number MV to the nearest even number.' However, the above claim limitation is well known and used in the art as evidenced by Zhong ... Taking the combined teachings of Kim and Zhong as a whole would make the above limitation ... obvious."

Applicant respectfully disagrees with, and explicitly traverses the examiner's reasons for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest **all** the claim limitations.

As noted above, Kim fails to include all the elements of the invention as recited in claims 7 and 12, from which claims 10 and 14 depend. Kim further fails to

teach or suggest any rounding of the MV or "rounding an odd number vector to the nearest even number vector," as is claimed.

Zhong teaches a system that includes detection and interpolating moving areas in interlaced video including downscaling a motion vector. More specifically, Zhong further teaches that a $\frac{1}{2}$ pixel position is changed to the nearest odd integer position (see paragraph [0036]) and "if the MV is an odd integer ...[it] will be changed to the nearest even position." (see paragraph [0038]). However, while Zhong teaches downscaling, Zhong fails provide any motivation to perform "full-pel motion compensation ... regardless of the types of motion vectors" as is claimed.

Even if there were some motivation to combine the teachings of Kim and Zhong are combined, as suggested by the examiner, contrary to the examiner's position, the combined device would not include all the elements of the present invention. If, for example, the downscaling of Zhong can be combined with the downscaling of Kim the combined device would not include the element of "full-pel motion compensation ... regardless of the types of motion vectors," as is claimed.

Accordingly, the combined device would not render obvious the present invention, recited in claims 10 and 14, because the combined device would not include all the elements of the present invention.

Applicant submits that in this case, the examiner has used the instant invention as a blueprint and has merely found a reference that teaches the limitation claimed and incorporated it into the Kim reference without either reference providing or suggesting such incorporation.

Notwithstanding the remarks made with regard to claims 10 and 14 made above, these claims also depend from claims 7, and 12, which have been shown to be patently distinguishable from the Kim reference cited. Accordingly, claims 10 and 14 are also allowable by virtue of their dependency from an allowable base claim.

Having shown that the device suggested by the examiner does not include all the elements of the instant invention claimed, applicant submits that the reason for the

examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 1-6, the applicant has requested that these claims be cancelled. Accordingly, respectfully submits that the examiner's rejection of these claims is not longer relevant and requests withdrawal of the rejection.

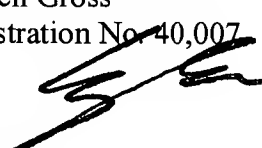
Having addressed the examiner's objections and rejections under 35 USC §§ 102, 103, applicant submits that for the amendments and remarks made herein the reasons for the examiner's rejections have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejections and the issuance of a Notice of Allowance.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call Applicant's attorney at the telephone number below.

No fees are believed necessary for the filing of this Amendment and Response. However, the Commissioner for Patents is hereby authorized to charge any additional fees, including fees for extensions of time or credit any excess payment that may be associated with this communication to deposit account number on file.

Respectfully submitted,

Russell Gross
Registration No. 40,007



Date: June 28, 2004

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:

Russell Gross, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9631
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on June 28, 2004.

Steve Cha
(Name of Registered Rep.)

 6/28/04
(Signature and Date)